

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.26897 OF 2005

Dated 16th December 2005

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Between:

T.Ramulu S/o.Sambaiah

...Petitioner

And

The APSRTC, rep. by its Managing Director,
Musheerabad, Hyderabad & others.

...Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.26897 OF 2005

ORDER:

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The petitioner is working as a Conductor, in Miryalaguda Depot of APSRTC, the second respondent herein. Disciplinary proceedings were initiated against him, alleging certain irregularities, in the matter of issuance of tickets. On the basis of the report submitted by the enquiry officer, the second respondent imposed the punishment of stoppage of annual increment, for a period of two years, with cumulative effect, as well as treating the suspension period as leave due, through his order dated 25.11.1997. Hence, this writ petition.

Heard the learned counsel for the petitioner and learned Standing Counsel

for the respondents.

The second respondent followed a peculiar procedure, in the disciplinary proceedings initiated, against the petitioner. An enquiry was conducted, and on the basis of the report submitted by the enquiry officer, the second respondent has, straight away, inflicted the punishment of stoppage of annual increment, for two years, with cumulative effect, as well as treating the period of suspension as leave due. Therefore, it clearly emerges that the punishment was inflicted on the petitioner, without issuing any show-cause notice, after the departmental enquiry was conducted. The second respondent ought to have issued a show-cause notice, before inflicting the punishment of stoppage of increment, that too, with cumulative effect, as well as treating the period of suspension as leave due.

Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly eight years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, up to the date of this order, on account of the modification of the punishment.

The writ petition is accordingly disposed of. There shall be no order as to costs.

16th December 2005

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